

R.B Sahajpal

Counters Comments

TRAI CP¹PR²

Issues for consultation

Q1.: Stakeholders may offer their feedback/ comments on the Draft Regulations 2022 as per following format (Table 1). Table 1: Format for stakeholders' response on issues related to Draft Regulations 2022 raised in this CP S no Clause number of Draft Regulations 2022 Do you agree with the Draft Regulations proposed in this CP (Yes/No) If you do not agree with the amendment proposed in this CP, then provide amended Clause proposed by you Reasons with full justification for your response.

Ans.:1.No specific answer to the question.

Q2: Please provide comments/ any other suggested amendment(addition), if any, with reasons thereof, in the Draft Regulations 2022, that the stakeholder considers necessary (other than those proposed in this CP). The stakeholders must provide their comments in the format specified in Table 2 explicitly indicating the new clause number, suggested amendment(addition) and the reason/ full justification for proposed amendment

Table 2: Format for stakeholders' response on issues related to 'System Requirement for Digital Right Management (DRM)' on issues other than those proposed in this CP
S no New Clause number proposed in the Draft Regulations 2022 Suggested Amendment (additional clause) Reasons/ full justification for the proposed amendment .

Ans.:2.1.No specific answer to the question.

Comments:

2.However the comments below submitted for kind consideration.

3.Comments

3.1. The CP is heavily loaded in favour of BROADCASTER. This is causing a non level playing field between three pertinent entities viz., Broadcaster, Distributor and customer/user/subscriber.

3.2. There are as many as '12' parameters asked about customer.³

3.2.1.Their use may lead to security issues.

3.2.2.

4.Note.1: The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4, vide notification No. 21-4/2016-B&CS dated 3rd March 2017 (1 of 2017).⁴

4.1.In fact the date 3rd March 2017 is the date of notification by TRAI.⁵

5.Note. 2:The principal regulations were amended vide notification No. 21-6/2019-B&CS dated 30th October 2019 (7 of 2019).⁶

5.1. 30th October 2019 is the date for notification by TRAI.⁷

6.Note. 3: The principal regulations were further amended vide notification No. 21-5/2019- B&CS dated 1st January 2020 (1 of 2020).⁸

6.1. 1st January 2020 is the date for notification by TRAI.⁹

7.Note. 4: The principal regulations were further amended vide notification No. RG1/2/(3)/2021-B AND CS(2) dated 11th June 2021 (1 of 2021).¹⁰

7.1.11th June 2021 is the date for notification by TRAI.¹¹

8. The only tangible perceivable benefit accruing the customer/subscriber/user from the implementation of DAS, CAS, SMS, DRM and overriding Audit do not explicitly bring out any other benefit/benefits other than the one already mentioned.

8.1. In fact the exercise of choice of channels by user either by himself/herself using computer or mobile phone or through someone claiming to be from TATA PLAY or TRAI site is quite cumbersome.

(a)Presumably most of users of TATA PLAY may be choosing the path of Mobile Path-cum package.

(b) Choosing mobile path may be simple but it has its flip side too.

(i) The user choosing this path may land not only with many piggy back channels (so called niche channels for which TRP is not even measured) in addition to popular channels.

(ii) The benefit accruing by getting popular channels via package path has also vanished after TR2 as now price of such a channel is same in a package or a-la-carte.

8.1.2 Each method is tilted towards the packages choice, in one way or the other, as this is made quite simple.

9. The charges for the service are on monthly basis with some discounts for a payment for longer period in advance.

9.1 The balance is being reduced on daily basis by taking a month of 30 days.

9.1 For online payment by computer net banking the choices are available with minimum amount of Rs. 500/-. The other choices are Rs.1000/- and Rs.1500/-.

9.2 Monthly charges may be a round figure rarely.

10. The downloads are not authenticated in the absence of details of the URL of the source of the download and the date of the download.

11. Presently various takeaways a.k.a reports from implementation of DAS, CAS, SMS generated for compliance of regulatory framework including audit within the ambit of legal framework of the land do not include any data explicitly addressing the prime concerns of the subscriber.

11.1 The prime concerns of a subscriber are:

- (a) Ease of choosing a service provider
- (b) Ease of choice from the service provided
- (c) Ease of payment for the service
- (d) Value for the amount paid.
- (e) Above all after sales service.

Suggestions:

The following suggestions are made based on the comments above for kind consideration:

1. In view of 3.2 the use of '12' parameters may be reviewed for reducing this to minimal essential excluding desirables.

2. Kindly refer 4,5,6,7 above: The dates indicated are the dates of notifications of the various regulations. However these will come into force from the date of their publication in the Official Gazette. So the dates of publication may please be put included in the CP.

3. Kindly refer 8 above: The process of add-delete of channels by an individual needs to be simplified.

4. Kindly refer 9 above: The unit may be changed from month to day for offer and charging.

4.1 The amount to be paid for recharge may be displayed for the number of days for which service is require to be renewed by the subscriber at the time of recharge in place of the present present practice.

5. Kindly refer 10 above: Downloads may provide authentication by providing source URL and the date of download.

6. Kindly refer 11 above: It may be difficult to generate report for individual user but some reports could be made available after due audit of such reports in public domain on global basis to indicate level of performance of service provider w.r.t individual concerns.

References:

1. https://www.trai.gov.in/sites/default/files/CP_09092022.pdf
2. https://www.trai.gov.in/sites/default/files/PR_No.61of2022.pdf
3. Item 8 Table 1 page12 supra 1.
4. https://www.trai.gov.in/sites/default/files/Interconnection_Regulation_03_mar_2917.pdf
5. page 24 supra 1.
6. https://www.trai.gov.in/sites/default/files/Regulation_30102019.pdf
7. page 24 supra 1.
8. https://www.trai.gov.in/sites/default/files/Regulation_01012020.pdf
9. page 24 supra 1.
10. https://www.trai.gov.in/sites/default/files/Regulation_11062021.pdf
11. page 24 supra 1.